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|  | **Our Reference:** 81835 |  | April 2013 |

**Freedom of Information Request**

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You asked for the following information from the Legal Services Commission (LSC):

***“I would like to know how many applications for public funding do not go ahead after a member of the public has seen the Family Mediation Service?***

***I would also like to know why a member of the public can’t simply waive mediation? In my case my ex-partner didn’t want to accept mediation so why should I attend an appointment with a Mediator that is ultimately meaningless?”***

On 2 April the LSC was replaced by the Legal Aid Agency (LAA), a new Executive Agency of the Ministry of Justice (MoJ), and as a result this response is from the MoJ on behalf of the former LSC. Your request has been handled under the Freedom of Information Act 2000 (FOIA). I can confirm that the department holds information that you have asked for, and I am pleased to provide this to you below.

Between 1st January 2012 and 31st December 2012 there were 9,998 publicly funded clients who were referred to a family mediation service to consider mediation who subsequently went on to issue court proceedings in the same private law family matter. These clients will have either held discussions with the mediator, attended a Mediation Information Meeting (MIAM) or participated in mediation which broke down.

Of these, 6,024 didn’t proceed to mediation because the mediator was satisfied that mediation was not suitable to the dispute because another party to the dispute was unwilling to attend a MIAM and consider mediation. Under the legal aid scheme a client isn’t required to attend a MIAM if the mediation service establishes that the other party to the dispute is unwilling to consider mediation.

The FOIA requires Departments to disclose (subject to applicable exemptions) recorded information only and as such the MoJ is not required to provide advice or opinion. Outside of the FOIA, however, I can advise you that the requirement to consider mediation by attendance at a MIAM is to encourage and inform clients about alternative ways of trying to resolve their family dispute without the need for court intervention. Family mediation can be an extremely effective way of resolving family disputes which can be quicker, cheaper and less adversarial than contested court proceedings.